

128

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KIM SMITH, :
Plaintiff : CIVIL ACTION NO. 1:01-0817
v. : (CALDWELL, D.J.)
(MANNION, M.J.)
JAMES MORGAN, et al., :
Defendants :
FILED
WILKES-BarRE
FEB 11 2003

ORDER

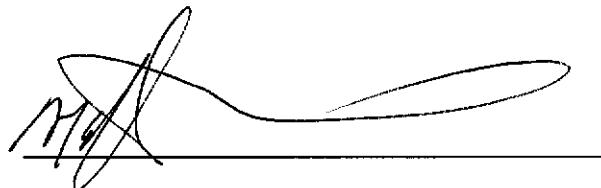
MARY E. D'ANIELLA, CLERK
Per _____
DEPUTY CLERK

Before the court is the correction defendants' motion to file separate briefs in support of their motion for summary judgment, based upon the claims and parties involved. (Doc. No. 124). Additionally, the defendants have filed a brief in support of that motion. (Doc. No. 125). In essence, the correction defendants request that they be allowed to file two briefs in support of their motion for summary judgment that are divided by the claims and/or parties involved. They make this request because the plaintiff has named twenty-eight (28) correctional defendants in his nine (9) page, single-spaced amended complaint. The correctional defendants request that their briefs in support of their motion for summary judgment be divided into two parts. The first part addressing the medical claims alleging deliberate indifference and the second brief addressing the other constitutional violations including access to courts, due process, cruel and unusual punishment, and excessive force claims.

The court has reviewed the amended complaint and agrees with the defendants that it would be difficult to address the many claims made by the plaintiff in a single brief. As such, the court believes that it is in the interest of justice to allow the defendants to file two separate briefs, addressing the allegations as noted above.

IT IS HEREBY ORDERED that:

1. The defendants' motion to file two separate briefs is **GRANTED**. One brief will address the access to court, due process, cruel and unusual punishment, and excessive force claims presented by the plaintiff; the second brief will address the Eighth Amendment deliberate indifference claims related to medical treatment; and,
2. The correction defendants' briefs will be due on or before **February 20, 2003**.



MALACHY E. MANNION
United States Magistrate Judge

Dated: February 11, 2003